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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,007

12/04/2006

Stefan A. Drumm

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EXAMINER

LAZO, THOMAS E

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

05/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,007	Applicant(s) DRUMM, STEFAN A.	
	Examiner Thomas E. Lazo	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,25-27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 19-24,28 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 23 and 34 are objected to because of the following informalities:

In claim 23, line 1, "claim 18" should be --claim 19-- (antecedent basis for "the electrically controllable stroke actuator).

In claim 34, lines 1-2, "wherein a provision of a disengaging sleeve" should be --wherein a disengaging sleeve is provided-- or -- further comprising a disengaging sleeve--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the mentioned components" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "the movable parts of the control group or between these" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 25-27, 29-31, and 32, as far as it is definite, are rejected under 35

U.S.C. 102(b) as being anticipated by Wachi et al. (6,273,526). Wachi et al. discloses an actuation unit for a hydraulic vehicle brake system with a master brake cylinder MCY (not shown), a booster housing 2,3,4, a first moveable 25 and a second movable wall 19, a pneumatic brake booster 1 in the booster housing 2,3,4 and connected downstream of the pneumatic brake booster 1, and a control group 41 including a vacuum sealing seat 36, an atmospheric sealing seat 35, and a valve member 37 cooperating with the sealing seats 36,35, wherein the first movable wall 25 and the second movable wall 19 are in a force-transmitting connection to a piston of the master brake cylinder MCY, with the movable walls 25,19 delimiting a working chamber 30 which can be evacuated or aerated by the control group 41, the vacuum sealing seat 36 is in operative engagement with the booster housing 2,3,4, while the atmospheric sealing seat 35 is in operative engagement with the first movable wall 25, the movement of the atmospheric sealing seat 35 is coupled to the movement of the first movable wall 25, a brake pedal travel simulation device 11 is provided as a resilient or damping element, the brake pedal travel simulation device 11 is accommodated in a cylindrical component 6 which is connected to the first movable wall 25 and carries the atmospheric sealing seat 35, the brake pedal travel simulation device 11 is disabled in terms of effect depending on the travel of the first movable wall 25 relative to the

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booster housing 2,3,4, a pneumatic vacuum chamber 29 is provided in the booster housing 2,3,4, extending into the area of the control group 41 and connectible to the working chamber 30, a pneumatic sealant (not numbered as part of valve disc 37) is provided between the booster housing 4 and the control group, and the sealant is configured as a pleated bellows..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wachi et al., as applied to claim 18 above, in view of Schanz (4,339,921), Takeuchi et al. (4,594,854), or Flynn et al. (4,827,720) . Wachi et al. discloses all of the claimed subject matter except for at least two tensile-force transmitting elements being provided to extend through the booster housing and be used to attach the master brake cylinder to the booster housing and to mount the actuation unit on a splashboard of the vehicle.

Schanz, Takeuchi et al., and Flynn et al. all teach for a well known manners in which master brake cylinders are attached to booster housings and actuation units are mounted on splashboards (dashboards) of vehicles via at least two tensile-force transmitting elements extending through the booster housing for the purposes of maintaining the strength of the operating components (booster and master cylinder) while keeping weight of the system to a minimum.

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Since Wachi et al., Schanz, Takeuchi et al., and Flynn et al. are all in the same field of endeavor the purpose taught by Schanz, Takeuchi et al., or Flynn et al. would have been recognized in the pertinent art of Wachi et al. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the actuation unit of Wachi et al. to include at least two tensile-force transmitting elements extending through the booster housing and used to attach the master brake cylinder to the booster housing and mount the actuation unit on a splashboard of the vehicle for the purposes of maintaining the strength of the operating components while keeping weight of the system to a minimum.

Allowable Subject Matter

Claims 19-24, 28, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of two patents.

Castel et al. and Wagner are cited to show actuation units for hydraulic vehicle brake systems.

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Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas E. Lazo/
Primary Examiner,
Art Unit 3745
May 14, 2008